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HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT APPEAL No. 1918 of 2005

Between:

V. Yesobu and another .. Appellants

AND

The District Collector, Krishna District,

Machilipatnam and others ..Respondents.

Counsel for the Appellants: Mr.C.Ramachandra Raju

Counsel for Respondents 1 and 2. Govt.Pleader for

Revenue

Counsel for Respondent No.3: Mr. K.V.Subba Reddy

Dated: February 15, 2006

JUDGMENT:

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Per G.S. Singhvi, CJ

This appeal is directed against order dated September 13, 2005 passed by the learned Single Judge whereby he dismissed Writ Petition No.19862 of 2005 filed by the appellants questioning the legality of endorsement dated 18.8.2005 made by Mandal Revenue Officer, Chatrai restraining them from drawing water from the bore.

We have heard learned counsel for the parties and perused the record of Writ Petition No.19862 of 2005.

In our opinion, it is not necessary to go into the correctness of the order of learned Single Judge, because we are convinced that the order passed by the Mandal Revenue Officer is liable to be quashed on the ground of violation of the rules of natural justice. A perusal of that order shows that after making reference to Writ Petition No.15859 of 2005 filed by respondent No.3 – Sri Pamarthi Reddiah, the Mandal Revenue Officer straightaway passed order directing the appellants not to draw water from the bore well. In our view, the officer should have considered the matter in a correct perspective and then passed a speaking order while deciding the representation made by respondent No.3.

For the reason stated above, the appeal is disposed of with direction that the order passed by the Mandal Revenue Officer shall be treated as inoperative. The officer concerned shall pass a fresh order on the representation filed by respondent No.3 after hearing both the parties. The appellants and respondent No.3 are directed to appear before the Mandal Revenue Officer concerned on February 27, 2006 and produce their identity cards so that in future there may not be any controversy about the identity of the parties. Within next two weeks, the officer concerned shall pass reasoned order on the representation made by respondent No.3. Till then the parties shall maintain status quo as it is obtaining today.

G.S. SINGHVI, CJ

February 15, 2006

G. BHAVANI PRASAD, J

Grr/vtv/svs